

## ASSIGNMENT 4

Textbook Assignment: "Nonjudicial Punishment," chapter 5, pages 5-1 through 5-48.

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- 4-1. The basic laws of NJP may be found in what section of the *Manual for Courts-Martial*?
1. Part I
  2. Part B of chapter 1
  3. Part V
  4. Part IV
- 4-2. Which of the following statements is correct concerning NJP?
1. It is a forum for command members to air grievances
  2. The legal protection is less extensive than it is for nonpunitive measures
  3. It provides commanders with a means for promoting positive behavior changes
  4. All NJP authority must be delegated by SECNAV
- 4-3. Which of the following officers may delegate all or a portion of his or her Article 15 powers?
1. CAPT Line, CO, USS *Eisenhower*
  2. VADM Deck, CNET
  3. LT Hatch, OIC, PSD Mayport
  4. RADM Door, COMNAVAIRLANT CSO
- 4-4. No officer may limit the exercise of any Article 15 authority of a subordinate commander without the authority of what official?
1. CNO
  2. SECDEF
  3. CHNAVPERS
  4. SECNAV
- 4-5. Which of the following personnel may be taken to mast by a Navy commander?
1. TSGT Brush, USAF
  2. SSGT Doe, USA
  3. MM3 Craft, USCG
  4. CPL Pistol, USMC
- 4-6. Under what circumstance, if any, may Reserve personnel recalled to active duty for imposition of NJP receive punishment involving restraint?
1. When recalled to active duty by the CO of the Reserve center
  2. When the recall to active duty was approved by SECNAV
  3. When recalled to active duty for a period longer than the period of restraint
  4. None
- 4-7. At what time does a member's right to refuse the imposition of NJP terminate?
1. When he or she signs the report chit accepting mast
  2. When he or she signs the rights acknowledgement form before the mast
  3. When he or she appears before the CO
  4. When the punishment is announced
- 4-8. The term *minor offense* means misconduct not more serious than that usually handled at which of the following forums?
1. Summary court-martial
  2. Special court-martial
  3. General court-martial
  4. Nonjudicial punishment
- 4-9. Who makes the final determination as to whether or not an offense is considered minor?
1. Legal officer
  2. Senior resident, NCIS
  3. XO
  4. CO

- 4-10. A CO who has imposed NJP may not later refer the same case to a court-martial.
1. True
  2. False
- 4-11. A member may only be taken to NJP when acquitted by which of the following courts?
1. Juvenile court
  2. Federal district court
  3. Special court-martial
  4. General court-martial
- 4-12. Where should instructions be found for processing a Report and Disposition of Offense(s), NAVPERS Form 1626/7?
1. JAGMAN
  2. MCM
  3. BUPERSINST 1626.1
  4. On the form itself
- 4-13. The NAVPERS Form 1626/7 serves all EXCEPT which of the following functions?
1. Records any premast restraint
  2. Serves as a preliminary inquiry report
  3. Records that the appeal rights have been explained to the accused
  4. Includes all premast rights that must be given to the accused
- 4-14. In what manner should witnesses be listed on the NAVPERS Form 1626/7?
1. Civilian witnesses and then military witnesses in order of seniority
  2. Military witnesses and then civilian witness in alphabetical order
  3. Military witnesses by seniority and then civilians
  4. Military and civilian witnesses in the order of involvement in the offense
- 4-15. If an accused refuses to sign the NAVPERS Form 1626/7 acknowledging being informed of the accusation(s) against him or her, what action must be taken?
1. The person informing the accused must sign for the accused
  2. The witness signs the form attesting to that fact
  3. The accused must be given a direct order to sign the form and if he or she still refuses, he or she is charged with an Article 91 violation
  4. The form is forwarded without any signatures and the person informing the accused must provide a voluntary statement
- 4-16. Who must sign the premast restraint section of the NAVPERS Form 1626/7 when restriction is imposed?
1. The accused only
  2. The CO and the accused
  3. The person informing the accused of the offense(s) and the accused
  4. The person imposing the restraint and the accused
- 4-17. NJP preheating rights may be found in which of the following places?
1. JAGMAN, chapter 1
  2. JAGW, appendix A-1-b, A-1-c, and A-1-d
  3. MCM
  4. On the report chit
- 4-18. The term *Booker rights* includes which of the following rights?
1. The accused was offered an opportunity to talk with an attorney before deciding whether to demand trial by court-martial
  2. The accused was informed that acceptance of NJP does not prevent further administrative action
  3. The accused was offered an opportunity to demand trial by court-martial
  4. All of the above

- 4-19. At mast, the CO's determination of the accused's guilt is based on which of the following evidentiary foundations?
1. Preponderance of the evidence
  2. Credible evidence
  3. Findings of fact
  4. Probable circumstances
- 4-20. Which of the following statements is correct regarding the presence of personnel representatives and witnesses at an NJP hearing?
1. Civilians may be subpoenaed to attend
  2. Witnesses from another command may be ordered to attend at the expense of their witnesses
  3. Witnesses from another command may be ordered to attend at the expense of the command holding the NJP
  4. A civilian lawyer may represent the accused at an NJP hearing
- 4-21. The results of NJP may not be published later than what time period?
1. 1 month after the date an appeal is denied
  2. 2 weeks after the NJP
  3. 2 months after the NJP
  4. 1 month after the appeal was submitted
- 4-22. Which of the following actions may be taken by a CO in conjunction with an NJP hearing?
1. Refer the case to an Article 32 pretrial investigation
  2. Dismiss the case with a warning
  3. Postpone the action pending further investigation
  4. Each of the above
- 4-23. An OIC's NJP power is limited to that of a CO in which of the following paygrade ranges?
1. W1 - O2
  2. O1 - O2 only
  3. O2 - O3 only
  4. O1 - O3
- 4-24. Which of the following NJP punishments may be awarded to an E-3 enlisted accused by an OIC?
1. Correctional custody for 14 days
  2. Correctional custody for 7 days
  3. Restriction for 15 days
  4. Forfeiture of one-half of 1 month's pay for 1 month
- 4-25. What maximum number of punishments may be imposed at mast?
1. Five
  2. Six
  3. Seven
  4. Eight
- 4-26. Procedures for issuing punitive letters may be found in which of the following publications?
1. *U.S. Navy Regulations, 1990*
  2. MCM
  3. JAGMAN
  4. MILPERSMAN
- 4-27. An officer placed on arrest in quarters may only be confined to his or her room under what condition?
1. The officer is stationed on board a ship
  2. The officer has been relieved of all duties
  3. The safety or the discipline of the ship requires it
  4. The officer is in paygrade O3 or below
- 4-28. Which of the following statements is correct concerning extra duties?
1. Guard duty may not be assigned as extra duty
  2. They must be performed during normal working hours
  3. Any type of duty may be assigned
  4. They are performed on all days except holidays

- 4-29. A CO may defer confinement on bread and water for what maximum time period?
1. 1 month
  2. 6 months
  3. 3 days
  4. 15 days
- 4-30. A member submits an appeal from mast and requests that punishment involving restraint be stayed pending action on the appeal. When will the stay take effect?
1. Upon receipt of the appeal by the CO
  2. 5 days after the appeal was submitted if no action is taken
  3. 3 days after the appeal was submitted if no action is taken
  4. 15 days after the appeal was submitted if no action is taken
- 4-31. Which of the following NJP punishments is lawful?
1. Arrest in quarters and 10 days' restriction
  2. Confinement on bread and water and 15 days' extra duty
  3. Reduction in rate to E-2 and forfeiture of one-half of 1 month's pay per month for 2 months
  4. Correctional custody and 10 days' extra duty
- 4-32. A CO who desires to set aside an NJP punishment must do so within what maximum number of months?
1. 1
  2. 6
  3. 3
  4. 4
- 4-33. A letter of notification setting aside an NJP is addressed to what official?
1. Chief of Naval Personnel
  2. Officer exercising general court-martial jurisdiction
  3. Cognizant disbursing officer
  4. Cognizant personnel officer
- 4-34. A member serving an NJP punishment reaches his or her EAOS. What effect does this have on the punishment?
1. All punishment involving forfeitures are collected before EAOS
  2. All unexecuted punishment is remitted
  3. All unexecuted punishment must be mitigated
  4. All unexecuted punishment is suspended
- 4-35. The punishment of reduction in rate to E-2 may be mitigated to what punishment?
1. Correctional custody
  2. Confinement on bread and water
  3. Restriction
  4. Forfeiture of pay
- 4-36. Which of the following statements is correct concerning suspended punishments?
1. The running of the period of suspension is interrupted by the unauthorized absence of the accused
  2. The order vacating a suspended punishment must be issued within 5 days of the start of the vacation proceedings
  3. An executed punishment of forfeiture may be suspended within 6 months after its execution
  4. The probationary period cannot exceed 4 months from the date of suspension
- 4-37. Which of the following reasons may an accused properly use as a basis to appeal punishment from NJP?
1. More than one punishment was awarded for a single offense
  2. The punishment was disproportionate to the offense
  3. The accused was not represented by a lawyer at mast
  4. The punishment has an adverse effect on the accused's financial obligations

- 4-38. To what official should an accused's appeal letter be addressed?
1. CO who imposed the punishment
  2. Area coordinator's SJA
  3. Area coordinator
  4. CO via the legal officer
- 4-39. An accused submits an appeal and the CO takes corrective action based on the appeal. What disposition is made of the appeal letter?
1. The appeal is forwarded stating the corrective action taken
  2. The appeal is considered approved by the CO and his or her action is final
  3. The punishment is considered mitigated and the appeal is returned to the accused
  4. The appeal is returned to the accused for reconsideration by the accused
- 4-40. The last endorsement to an appeal package is addressed to what official?
1. Accused
  2. Officer exercising general court-martial jurisdiction
  3. CO of the accused
  4. Personnel officer
- 4-41. An oral reprimand given at mast must be officially recorded in which of the following manners?
1. Reduced in writing in the format prescribed in the JAGMAN
  2. Notated on the report chit
  3. Notated on page 9 of the service record
  4. Notated in a page 13 counseling/warning entry
- 4-42. The results of mast on an officer are officially recorded in what manner?
1. Page 13 entry in the service record
  2. Page 7 entry in the service record
  3. By submission of a special fitness report on the officer
  4. Letter report to PERS-82 via the first flag officer in the chain of command
- 4-43. What publication contains the proper procedures for the preparation of OCR documents?
1. MILPERSMAN
  2. JAGMAN
  3. PAYPERSMAN
  4. *Correspondence Manual*
- 4-44. When a CO refers a case from mast to court-martial, what action, if any, must be taken regarding an enlisted accused's service record?
1. A page 13 entry must be prepared
  2. A page 9 entry must be prepared
  3. A NAVPERS 1070/607 must be prepared
  4. None
- 4-45. When NJP is imposed on an enlisted member, what page of the service record must always be annotated?
1. 13
  2. 9
  3. 6
  4. 4
- 4-46. When a forfeiture is imposed at NJP, what enlisted service record page(s) must be prepared?
1. 7 and 9 only
  2. 6, 9, and 13 only
  3. 7, 9, and 13 only
  4. 6, 7, 9, and 13

4-47. Before imposing punishment that affects pay at mast, the CO must make what decision regarding the absence?

1. Whether the absence should be considered as lost time
2. The absence was unauthorized and unexcused
3. The exact length of the UA period
4. Whether the absence was unavoidable

4-48. If your command does not have the facilities to impose restriction, what action should be taken?

1. Defer the punishment until facilities are in place
2. Mitigate the punishment
3. Suspend the punishment
4. Send the accused TEMADD to a command with the facilities

4-49. The record of what type(s) of NJP hearings must be filed in a unit punishment book?

1. All NJP hearings that refer cases to court-martial only
2. All NJP hearings that impose punishment that affect pay only
3. All NJP hearings that impose punishment only
4. All NJP hearings

4-50. When should the NAVPERS Form 1626/7 be filed in the unit punishment book?

1. When all service record pages recording the mast have been completed
2. When the accused has served all imposed punishment
3. When all administrative actions have been completed
4. When the punishment has been published in the POD